



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/421,810	04/13/95	CONRAD	A 20259-14

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LM32/0608

EXAMINER

HOLLOWAY III, E

ART UNIT

PAPER NUMBER

2735

DATE MAILED: 06/08/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## FILE COPY

<b>Advisory Action</b>	Application No. <b>08/421,810</b>	Applicant(s) <b>Conrad et al.</b>
	Examiner <b>Edwin C. Holloway, III</b>	Group Art Unit <b>2735</b>

## THE PERIOD FOR RESPONSE: [check only a) or b)]

- a)  expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

**Applicant's response to the final rejection, filed on May 19, 1998 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:**

The proposed amendment(s):

- will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- will not be entered because:
  - they raise new issues that would require further consideration and/or search. (See note below).
  - they raise the issue of new matter. (See note below).
  - they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See attached examiner's response.

\_\_\_\_\_

\_\_\_\_\_

Applicant's response has overcome the following rejection(s):

\_\_\_\_\_

\_\_\_\_\_

Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

\_\_\_\_\_

The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: none

Claims objected to: none

Claims rejected: 49-71

The proposed drawing correction filed on \_\_\_\_\_ has  has not been approved by the Examiner.

Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Other

*Edwin C. Holloway*  
**EDWIN C. HOLLOWAY, III**  
**PRIMARY EXAMINER**  
**ART UNIT 2735**

EXAMINER'S RESPONSE

1. The amendment filed 5-19-98 after Examiner's Answer has not been entered because the proposed claim(s) raise new issues which require further consideration or search (37 CFR 1.116(c)). See  
5 also 37 CFR 1.198.

The amendment adds 30 new claims numbered 72-102 which were not earlier presented and are replete with limitations not earlier considered such as each receiver unit storing multiple unique identity data streams received from multiple transmitter  
10 units, 16 data bits, a pair of start bits, a stop bit, transmitting both vertically and horizontally, etc. Therefore the amendment necessitates a new search, raises the issue of new matter, presents additional claims without canceling a corresponding number of finally rejected claims, raises the new  
15 issue of interference, and does not simplify the issues for appeal. Such amendments will not be entered as stated in MPEP 1207.

Further, the claim chart referred to as exhibit A does not exist in the file, although a copy of such would NOT overcome the  
20 deficiencies noted above.

2. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

CONTACT INFORMATION

3. Please note that the examiner's art unit has changed from 2211 to 2735.

5 4. Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology center 2700 receptionist** whose telephone number is (703) 305-3900.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Edwin Holloway** whose telephone number is (703) 305-4818.

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EH  
06-02-98

*Edwin C. Holloway*  
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ART UNIT 2735